

1 AN ACT relating to implementation of screening and interventions to improve
2 student learning.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 158.305 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Aphasia" means a condition characterized by either partial or total loss of the
7 ability to communicate verbally or through written words. A person with
8 aphasia may have difficulty speaking, reading, writing, recognizing the names
9 of objects, or understanding what other people have said. The condition may
10 be temporary or permanent and does not include speech problems caused by
11 loss of muscle control;

12 (b) "Dyscalculia" means the inability to understand the meaning of numbers, the
13 basic operations of addition and subtraction, the complex operations of
14 multiplication and division, or to apply math principles to solve practical or
15 abstract problems;

16 (c) "Dysgraphia" means difficulty in automatically remembering and mastering
17 the sequence of muscle motor movements needed to accurately write letters or
18 numbers;

19 (d) "Dyslexia" means a distinct learning disability that is neurobiological in
20 origin. Dyslexia is characterized by difficulties with accurate or fluent word
21 recognition and by poor spelling and decoding abilities. These difficulties
22 typically result from a deficit in the phonological component of language
23 that is often unexpected in relation to other cognitive abilities and the
24 provision of effective classroom instruction. Secondary consequences may
25 include problems in reading comprehension and reduced reading
26 experience that can impede growth of vocabulary and background
27 knowledge ~~[a language processing disorder that is neurological in origin,~~

1 ~~impedes a person's ability to read, write, and spell, and is characterized by~~
2 ~~difficulties with accuracy or fluency in word recognition and by poor spelling~~
3 ~~and decoding abilities};~~

4 (e) "Phonemic awareness" means the ability to recognize that a spoken word
5 consists of a sequence of individual sounds and the ability to manipulate
6 individual sounds in speaking;~~[and]~~

7 (f) "Qualified screening tool" means a screening tool for dyslexia that
8 explicitly measures a student's ability to demonstrate phonological
9 awareness skills, phonemic decoding efficiency skills, sight word reading
10 efficiency skills, and accuracy of word reading on grade-level text; and

11 ~~(g)~~~~[(f)]~~ "Scientifically based research" has the same meaning as in 20 U.S.C.
12 sec. 7801(37).

13 (2) Notwithstanding any other statute or administrative regulation to the contrary, the
14 Kentucky Board of Education shall promulgate administrative regulations for
15 district-wide use of a response-to-intervention system for students in kindergarten
16 through grade three (3), that includes a tiered continuum of interventions with
17 varying levels of intensity and duration and which connects general, compensatory,
18 and special education programs to provide interventions implemented with fidelity
19 to scientifically based research and matched to individual student strengths and
20 needs. By December 31, 2017, evidence of implementation of a response-to-
21 intervention system addressing reading, writing, mathematics, and behavior~~[At a~~
22 ~~minimum, evidence of implementation]~~ shall be submitted by the district to the
23 department~~[for:~~

24 ~~(a) Reading and writing by August 1, 2013;~~

25 ~~(b) Mathematics by August 1, 2014; and~~

26 ~~(c) Behavior by August 1, 2015].~~

27 (3) The Department of Education shall make available technical assistance and training

1 to assist all local school districts in the implementation of the district-wide,
2 response-to-intervention system as a means to identify and assist any student
3 experiencing difficulty in reading, writing, mathematics, or behavior.

4 (4) The technical assistance and training shall be designed to improve:

5 (a) The use of specific screening processes and programs to identify student
6 strengths and needs;

7 (b) The use of screening data for designing instructional interventions;

8 (c) The use of multisensory instructional strategies and other interventions
9 validated for effectiveness by scientifically based research;

10 (d) Progress monitoring of student performance; and

11 (e) Accelerated, intensive, direct instruction that addresses students' individual
12 differences and enables them to catch up with typically performing peers.

13 (5) The department shall develop and maintain a Web-based resource providing
14 teachers access to:

15 (a) Information on the use of specific screening processes and programs to
16 identify student strengths and needs; and

17 (b) Current, scientifically based research and age-appropriate instructional tools
18 that may be used for substantial, steady improvement in:

19 1. Reading when a student is experiencing difficulty with phonemic
20 awareness, phonics, vocabulary, fluency, general reading
21 comprehension, or reading in specific content areas, or is exhibiting
22 characteristics of dyslexia, aphasia, or other reading difficulties;

23 2. Writing when a student is experiencing difficulty with consistently
24 producing letters or numbers with accuracy or is exhibiting
25 characteristics of dysgraphia;

26 3. Mathematics when a student is experiencing difficulty with basic math
27 facts, calculations, or application through problem solving, or is

1 exhibiting characteristics of dyscalculia or other mathematical
2 difficulties; or

3 4. Behavior when a student is exhibiting behaviors that interfere with his or
4 her learning or the learning of other students.

5 (6) By the 2018-2019 academic year, teacher preparation programs for elementary
6 and secondary education shall include:

7 (a) The definition and characteristics of dyslexia and other disorders defined in
8 subsection (1) of this section;

9 (b) Evidence-based interventions and accommodations for dyslexia and other
10 disorders defined in subsection (1) of this section and related learning
11 challenges; and

12 (c) Instruction on core elements of a response-to-intervention framework
13 addressing reading, writing, mathematics, and behavior, including:

14 1. Universal screening;

15 2. Scientific, research-based interventions;

16 3. Progress monitoring of the effectiveness of interventions on student
17 performance;

18 4. Data-based decision-making procedures related to:

19 a. Determining intervention effectiveness on student performance;
20 and

21 b. Determining the need to continue, alter, or discontinue
22 interventions or conduct further evaluation of student needs;
23 and

24 5. Application and implementation of response-to-intervention and
25 dyslexia instructional practices in the classroom setting.

26 (7) (a) The department shall establish a list of approved qualified screening tools.
27 A school district may submit to the department a screening tool for review.

1 *If the screening tool meets the criteria for a qualified screening tool, it shall*
2 *be included on the list.*

3 *(b) When, through the screening processes used in a school's response-to-*
4 *intervention system, a student is identified as having known dyslexia*
5 *characteristics, the school district shall provide additional screening for*
6 *dyslexia using an approved qualified screening tool or shall refer the*
7 *student for appropriate further testing in a timely manner.*

8 *(c) If the additional screening indicates that a student has characteristics of*
9 *dyslexia, the school shall notify the student's parent or legal guardian and*
10 *provide them with information and resource material regarding dyslexia.*

11 ~~(8)~~[(6)] The department shall encourage districts to utilize both state and federal funds
12 as appropriate to implement a district-wide system of interventions.

13 ~~(9)~~[(7)] The department is encouraged to coordinate technical assistance and training
14 on current best practice interventions with state postsecondary education
15 institutions.

16 ~~(10)~~[(8)] The department shall collaborate with the Kentucky Collaborative Center for
17 Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center
18 for Instructional Discipline, the Education Professional Standards Board, the
19 Council on Postsecondary Education, postsecondary teacher education programs,
20 and other agencies and organizations as deemed appropriate to ensure that teachers
21 are prepared to utilize scientifically based interventions in reading, writing,
22 mathematics, and behavior.

23 ~~(11)~~[(9)] In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to
24 determine appropriate instructional strategies for curriculum implementation shall
25 not be considered to be an evaluation for eligibility for special education and related
26 services and nothing in this section shall limit a school district from completing an
27 initial evaluation of a student suspected of having a disability.

- 1 (12) The Kentucky Center for Education and Workforce Statistics, in collaboration
2 with the department, shall report by November 30 of each year to the Interim
3 Joint Committee on Education and the Interim Joint Committee on Health and
4 Welfare on the implementation of school districts' response-to-intervention
5 systems. The report shall include[(10) By November 30, 2013, and annually
6 thereafter, the department shall provide a report to the Interim Joint Committee on
7 Education that includes]:
- 8 (a) Data on the number of students identified for interventions in reading,
9 writing, mathematics, and behavior, including the results of screenings
10 used by the school districts[~~implementing response-to-intervention systems~~
11 ~~and scientifically based research practices in reading, writing, mathematics,~~
12 ~~and behavior~~];
- 13 (b) Information on the types of scientifically based research interventions
14 implemented; and
- 15 (c) Data on the effectiveness of interventions in improving student performance
16 in Kentucky schools.